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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT LINDBLAD,

12 Plaintiff,

13 v.

14 LUNNY, et al.,

15 Defendants.
16
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No. 2:22-cv-1424-TLN-CKD PS

ORDER

18 Proceeding without counsel, plaintiff filed a complaint and a motion to proceed in forma
19 pauperis on August 10, 2022. (ECF Nos. 1, 2.) This matter is before the undersigned pursuant to
20 Local Rule 302(c)(21). See 28 U.S.C. § 636(b)(1). Because venue does not lie in this district, this
21 action will be transferred to the United States District Court for the Northern District of
22 California.

23 If a court determines the appropriate venue for a case lies in another division or district,
24 the court “shall dismiss, or if it be in the interest of justice, transfer such case to any district or
25 division in which it could have been brought.” 28 U.S.C. § 1406(a). Relatedly, “[f]or the
26 convenience of parties and witnesses, in the interest of justice, a district court may transfer any
27 civil action to any other district or division where it might have been brought.” 28 U.S.C. §
28 1404(a).

1 Here, the named defendants are Officer Lunny of the San Mateo County Sheriff's Office
2 and the County of San Mateo. Thus, defendants are in San Mateo County, California, which is in
3 the Northern District of California.

4 The federal venue statute provides that a civil action "may be brought in (1) a judicial
5 district in which any defendant resides, if all defendants are residents of the State in which the
6 district is located; (2) a judicial district in which a substantial part of the events or omissions
7 giving rise to the claim occurred, or a substantial part of property that is the subject of the action
8 is situated; or (3) if there is no district in which an action may otherwise be brought as provided in
9 this section, any judicial district in which any defendant is subject to the court's personal
10 jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

11 For the purposes of 28 U.S.C. § 1391(b)(1), an entity defendant is a resident of "any
12 judicial district in which such defendant is subject to the court's personal jurisdiction with respect
13 to the civil action in question." 28 U.S.C. § 1391(c)(2). Federal courts generally follow state law
14 to determine the appropriate bounds of personal jurisdiction. Walden v. Fiore, 571 U.S. 277, 283
15 (2014). A federal court sitting in California "may exercise jurisdiction on any basis not
16 inconsistent with the Constitution of [California] or of the United States." See Cal. Civ. Proc.
17 Code § 410.10.

18 The Due Process Clause of the Fourteenth Amendment limits a court's ability to exercise
19 personal jurisdiction over nonresident defendants. World-Wide Volkswagen Corp. v. Woodson,
20 444 U.S. 286, 291 (1980). "Although a nonresident's physical presence within the territorial
21 jurisdiction of the court is not required, the nonresident generally must have certain minimum
22 contacts... such that the maintenance of the suit does not offend traditional notions of fair play and
23 substantial justice." Walden, 571 U.S. at 283 (internal citations and quotation marks omitted).

24 As set forth, neither of the defendants are residents of this district for the purpose of
25 determining venue. In addition, the complaint's allegations do not establish that "a substantial
26 part of the events or omissions giving rise to the claim occurred" in this district. 28 U.S.C. §
27 1391(b)(2). Although plaintiff states he "believes he cannot obtain a lawsuit at the site of the
28 incident in San Mateo County[.]" (ECF No. 1 at 1), this allegation fails to establish venue in the

1 Eastern District of California.

2 Under 28 U.S.C. § 1406(a), a district court may “transfer a case brought in the wrong
3 division or district” if it is “in the interest of justice” to do so. If a district court, in its discretion,
4 denies such a transfer, then the court must dismiss the suit. 28 U.S.C. § 1406(a).

5 Here, as set forth, the defendants are in the Northern District of California. In addition, a
6 substantial portion of the events giving rise to the complaint occurred in the Cities of Millbrae
7 and Burlingame, within the Northern District of California, with other events alleged to have
8 occurred in the State of Colorado. (See generally, ECF No. 1 at 4, 6, 16.) Even if venue could lie
9 in this district, the court finds that in the interest of justice, the Northern District of California is a
10 more appropriate venue because a substantial part of the events giving rise to the claim took place
11 within that forum. See 28 U.S.C. § 1404(a).

12 Therefore, the court transfers this action to the Northern District of California pursuant to
13 28 U.S.C. § 1406(a) or, in the alternative, 28 U.S.C. § 1404(a). In transferring this action, this
14 court expresses no opinion regarding the merits of plaintiff’s claims.

15 **III. Conclusion and Order**

16 In accordance with the above, IT IS HEREBY ORDERED that:

- 17 1. The action, including the pending motion to proceed in forma pauperis, is
18 TRANSFERRED to the United States District Court for the Northern District of
19 California pursuant to 28 U.S.C. § 1406(a) or, in the alternative, 28 U.S.C. § 1404(a).
- 20 2. The Clerk of Court shall close this case.¹

21 Dated: August 16, 2022

22 
23 CAROLYN K. DELANEY
24 UNITED STATES MAGISTRATE JUDGE

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27 ¹ Plaintiff is instructed to direct any filings or inquiries related to this case to the United States
28 District Court for the Northern District of California. Further filings in the Eastern District of
California related to this case will be disregarded.